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UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF CONNECTICUT

FILED
2004 NOV 19 A 8:53
U.S. DISTRICT COURT
HARTFORD, CT.

JEFFREY TIBBETTS,

v.

JAMES DITTES, ET AL,

No. 395CV00995 (AVC)

November 19, 2004

RULE 60(B)(4) MOTION TO VACATE JUDGMENT AS VOID FOR VIOLATIONS OF DUE PROCESS

3:95cv995 (AVC). January 5, 2004. The motion is denied as the plaintiff has failed to persuade the court that it acted inconsistent with due process of law and, accordingly, the court does not perceive the judgment as void for purposes of vacatur under Fed. R. Civ. P. 60(b)(4). Further, because the plaintiff had the opportunity to raised the issues on appeal, but failed to do so, the plaintiff is now "barred by principles of res judicata and the interest in finality of judgments from mounting a collateral attack on a prior judgment in the present action." Nemaizer v. Baker, 793 F.2d 58, 64 (2d Cir. 1986).

SO ORDERED.

Alfred V. Covello, U.S.D.J.

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2005 JAN -5 P 2:32
U.S. DISTRICT COURT
HARTFORD, CT.

APP. II